

**June 2, 2016
Gautier, Mississippi**

BE IT REMEMBERED THAT A REGULAR MEETING of the Gautier Planning Commission of the City of Gautier, Mississippi, was held on June 2, 2016 at 5:00 PM in the Council Chambers of the Gautier Municipal Building at 3330 Highway 90, Gautier, Mississippi.

Commission Members present were: Sandra Walters, Vice-Chairperson; Commissioners, Kay C. Jamison, J.J. Fletcher, Anthony York and Phil Torjusen. Also present were Chandra Nicholson, Economic Development and Planning Director; Josh Danos, City Attorney and Tricia L. Thigpen, Deputy City Clerk. Absent were Larry Dailey and Jimmy Green.

AGENDA

GAUTIE PLANNING COMMISSION

JUNE 2, 2016

5:00 P.M.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE (VOLUNTEER)**
- III. APPROVAL OF AGENDA**
- IV. APPROVAL OF MINUTES (April 7, 2016; April 21, 2016; May 5, 2016)**
- V. PUBLIC COMMENTS
(MATTERS OF THE PLANNING COMMISSION NOT LISTED ON THE AGENDA)**
- VI. OLD BUSINESS**

A. LEGISLATIVE

1. REQUEST TO ADOPT COMPREHENSIVE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE. (CITY INITIATED) (GPC #16-09-UDO) TABLED FROM MAY 5, 2016 GPC MEETING.

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. NEW COVENANT OF GRACE CHURCH – 1412 HIGHWAY 90-REQUEST FOR A CONDITIONAL USE-MAJOR THAT WOULD ALLOW A CHURCH OR PLACE OF WORSHIP IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE #16-10-CU)
2. B & D PLASTICS – 5500 ALLEN ROAD – REQUEST FOR A NINETEEN FOOT (19') HEIGHT VARIANCE TO ALLOW A FIFTY –FOUR FOOT (54') HIGH BUILDING IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE #16-11-VAR)
3. B & D PLASTICS – 5500 ALLEN ROAD – REQUEST FOR A CONDITIONAL USE – MAJOR THAT WOULD ALLOW HEAVY MANUFACTURING IN A C-3 HIGHWAY COMMERCIAL DISTRICT. (GPC CASE #16-12-CU)

VIII. GENERAL DISCUSSION

- A. PREVIOUS CASE UPDATES
- B. UPDATE ON DEVELOPMENT & EVENTS

IX. ADJOURN

Vice-Chairperson Walters called the meeting to order.

Commissioner Jamison made the motion to approve the agenda order. **Commissioner Torjusen** seconded the motion and the following vote was recorded:

AYES: **Sandra Walters**
 Kay C. Jamison
 J.J. Fletcher
 Anthony York
 Phil Torjusen

NAYS: **None**

ABSENT: **Larry Dailey**
 Jimmy Green

Motion passed.

Vice-Chairperson Walters made the motion to table the approval of minutes from GPC Meeting held April 7, 2016; April 21, 2016; and May 5, 2016 until Chairman Dailey was present. **Commissioner Torjusen** seconded the motion and the following vote was recorded:

AYES: **Sandra Walters**
 Kay C. Jamison
 J.J. Fletcher
 Anthony York
 Phil Torjusen

NAYS: **None**

ABSENT: **Larry Dailey**
 Jimmy Green

Motion passed.

OLD BUSINESS

A. LEGISLATIVE

1. **REQUEST TO ADOPT COMPREHENSIVE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE. (CITY INITIATED) (GPC #16-09-UDO) TABLED FROM MAY 5, 2016 GPC MEETING.**

Commissioner Fletcher made the motion to table the adoption of Comprehensive Amendments to the Unified Development Ordinance until all Commissioners were present. **Commissioner York** seconded the motion and the following vote was recorded:

AYES: **Sandra Walters**
 Kay C. Jamison
 J.J. Fletcher
 Anthony York
 Phil Torjusen

NAYS: **None**

ABSENT: **Larry Dailey**
 Jimmy Green

Motion passed.

NEW BUSINESS

A. QUASI-JUDICIAL

1. **NEW COVENANT OF GRACE CHURCH – 1412 HIGHWAY 90 – REQUEST FOR A CONDITIONAL USE-MAJOR THAT WOULD ALLOW A CHURCH OR PLACE OF WORSHIP IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. GPC CASE #16-10-CU)**

Vice Chairperson Walters introduced the case.

Mr. Danos swore in witnesses: Chandra Nicholson, Economic Development and Planning Director and W. Calvin Hyde, representative of New Covenant of Grace Church.

Ex Parte Disclosure:

Vice-Chairperson Walters: visited the site
Commissioner Jamison – visited the site
Commissioner Fletcher – visited the site
Commissioner York – visited the site
Commissioner Torjusen – visited the site
Chairman Dailey – absent
Commissioner Green – absent

Applicant presentation:

Mr. Hyde stated that the New Covenant of Grace Church intends to use the property to provide a place of worship and edification for individuals that have freely chosen Jesus Christ as their Lord and Savior. Services will be conducted one or more on Sundays as needed. Depending on growth and occupancy limit. A mid-week evening service will be held on Wednesday or Thursday. It is also anticipated that there will be special services that may be held two or more days during the course of a week.

Questions for Applicant:

None

Staff presentation:

Mrs. Nicholson stated that the Economic Development and Planning Department received a request from W. Calvin Hyde representative of New Covenant of Grace Church, for a Conditional Use-Major Permit that would allow a Church or Place of Worship in a C-3 Highway Commercial Zoning District at 11412 Highway 90, PID #82436365.000. The application fee of \$250 was paid on April 14, 2016. All public notice requirements have been met.

Background:

The request property is zoned C-3 Highway Commercial.

1. Location: 1412 Highway 90
Principal Arterial: Highway 90
2. General features of the proposed project:
Total Building Area: 1500 square feet
Site Size: 1.32 Acres
Year Building Constructed: 1981
3. Portable Water and Wastewater Services: Existing from City
4. The building is existing and was previously used as a church. The last

known use of the property was a church. The building was built prior to 2010 when the UDO became effective. The building has been vacant for more than sixty (60) days, so the “grand-fathered: status has expired.

5. Current Zoning: C-3 Highway Commercial
6. Current Surrounding Zoning: C-3 Highway Commercial/R-3 Mobile Home/C-2 Community Commercial to the South; C-3 Highway Commercial/R-1 Low Density Residential to the East.
7. Current Surrounding Existing Land Use. Commercial – Retail to the North; Commercial Retail/Vacant to the East; Commercial Retail/ Office/Mobile Home Park to the South; and Office/Vacant to the West.
8. Comprehensive Plan Future Land Use Designation:

Determination of Applicable Law:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain condition as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated “Conditional Uses-Major” are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but requires recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council.

Recommendations:

Staff finds that the proposed use may be compatible and harmonious with the Neighborhood Commercial District and recommends approval with the following conditions:

1. The church services/events/meetings shall be limited to 50 occupants at one time.
2. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified

Development Ordinance.

3. The property shall be maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinances.
4. A parking lot shall be installed that accommodates seventeen (17) parking spaces, one of which is ADA accessible. The parking lot layout and construction shall meet the requirements as set forth in Article VII of the Unified Development Ordinance.
5. Existing business signage which does not comply with the Unified Development Ordinance shall be removed.
6. Within 60 months of issuance of the Major Conditional Use Permit, the owner or applicant shall install one tree every 30' along the south, east, and west property lines up to the front face of the building. Trees to be a minimum of 6' in height at the time of planting or within 60 months (whichever is later).
7. Noise levels shall meet the City's noise ordinance.
8. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code.

Objections from Applicant:

None

Questions for Staff:

Commissioner Fletcher asked what are the current conditions of the parking lot.

Mrs. Nicholson replied she didn't really see a parking lot. Grass have grown over a lot of the existing parking area.

Commissioner Fletcher asked Mr. Hyde are the conditions of reestablishing a parking area agreeable.

Mr. Hyde replied from a financial stand point the church could not afford to pave the entire parking area at this time.

Commissioner York asked Mr. Hyde if he was aware that the parking lot had to be paved before they open for services.

Mr. Hyde replied yes.

Commissioner Torjusen asked Mr. Hyde if they would be leasing or buying the building.

Mr. Hyde replied leasing but no paperwork will be signed until the Conditional Use-Major Permit was approved.

Public comments:

Mr. Billy Booth, Manager at First Federal – 1405 Hillcrest – has no objections to the church using their parking lot during closed business hours.

Applicant rebuttal/final comments:

None

Staff rebuttal/final comments:

None

Call for final questions:

None

Vice-Chairperson Walters closed public portion of the hearing and called for a motion.

RECOMMENDATION:

Commissioner Torjusen made the motion to recommend that City Council approve the Conditional Use-Major as presented with changes to staff recommended Condition No. 4. **Commissioner Jamison** seconded the motion and the following vote was recorded:

AYES: **Sandra Walters**
 Kay C. Jamison
 J.J. Fletcher
 Anthony York
 Phil Torjusen

NAYS: **None**

ABSENT: **Larry Dailey**
 Jimmy Green

Motion passed.

Staff finds that the proposed use may be compatible and harmonious with the Neighborhood Commercial District and recommends approval with the following conditions (including changes made by the Planning Commission to Item No. 4):

1. The church services/events/meetings shall be limited to 50 occupants at one time.

2. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
3. The property shall be maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
4. A parking lot shall be installed that accommodates seventeen (17) parking spaces, one of which is ADA accessible or obtain a formal agreement from an adjacent property owner for use of their parking lot that contains at least 17 parking spaces. If a new parking lot is constructed, the parking lot layout and construction shall meet the requirements as set forth in Article VII of the Unified Development Ordinance.
5. Existing business signage which does not comply with the Unified Development Ordinance shall be removed.
6. Within 60 months of issuance of the Major Conditional Use Permit, the owner or applicant shall install one tree every 30' along the south, east, and west property lines up to the front face of the building. Trees to be a minimum of 6' in height at the time of planting or within 60 months (whichever is later).
7. Noise levels shall meet the City's noise ordinance.
8. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code.

Planning agreed to hear GPC Case #16-12-CU B & D Plastics, LLC Conditional Use-Major first.

2. B & D PLASTICS – 5500 ALLEN ROAD- REQUEST FOR A CONDITIONAL USE-MAJOR THAT WOULD ALLOW HEAVY MANUFACTURING IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE # 16-12-cu)

Vice-Chairperson Walters introduced the case.

Mr. Danos swore in the witnesses: Chandra Nicholson, Economic Development and Planning Director; B & D Plastics, LLC representatives Tom Reeves; Russell Gill, Attorney; John Hunter, Attorney; Michael A. Lebatard, Architect. Residents Sara Parker and Robert Parker at 7001 Baker Road.

Ex Parte Disclosure:

Vice-Chairperson Walters – visited the site and discussed with staff

Commissioner Jamison – visited the site and surrounding areas

Commissioner Fletcher – visited the site and surrounding areas

Commissioner York – visited the site

Commissioner Torjusen – visited the site and surrounding areas

Chairman Dailey – absent

Commissioner Green – absent

Applicant presentation:

Attorney Russell Gill requested Exhibit 4 & 5 be entered into recorded.

In the early 1970's, the facility was constructed and included the complex of buildings and office space located on the south of the current property. At that time the property was zoned as Industrial within the county. The products that were manufactured were of the production type fiberglass items such as tanks, vats, shower stalls, bathtubs, sinks, and other custom made plastic products. The property and business was owned by the Reeves family under "Reeves Plastics engineering". The business continued as Reeves Plastics Engineering until the late 1980's.

In 1991, B & D Plastics, owned by the Reeves family, made from Georgia to the family owned in Jackson County and continued to manufacture custom made fiberglass and plastic products.

In 2010, B & D Plastics, formed a partnership and expanded the operation by adding a new 10,875 square foot building.

In 2012, B& D Plastics added another building of the same size to the north side of the property.

The manufacturing at the site includes open molding of custom products using a variety of methods with thermoset resins and other plastic products.

In early 2015, B & D Plastics attained the required authorization to code stamp our products to the current ASME codes. This achievement took four years to attain and is one of only three such authorizations in existence on earth.

Some of the components B & D manufactures are large and require heavy materials handling equipment to move such components on the site. There is presently a large expanse of compacted limestone work surfaced that is well able to support very heavy loads. This surface provides all weather access to the entire site.

B & D doesn't produce a large volume of traffic. The number of shipments out of the plant site averages less than one (1) load per week. The existing roads have handled this volume of shipments easily in the past.

This manufacturing facility has been a benefit to Jackson County for the past 24 years. Since addition of the building in 2010, B & D Plastics has consistently employed between 30 and 50 full time employees and currently employs 60 full time employees. Besides wages B & D generates tax revenue for the City and County.

Consider the continuous industrial use of the B & D property since 1991, it would seem that industrial zoning would have been originally assigned to the B & D property. The present commercial zoning is inconsistent with the established industrial land use. The City of Gautier and Jackson County have worked with B & D in the past encouraging the operation of this facility.

The rezoning of this property will serve to rectify a presently inequitable situation and will also be consistent with the City's past policy concerning the operation of B & D Plastics.

This new project will entail the addition of another building and improvements on the North-Wet of the existing site. Equipment will be moved from an existing building into the new building to provide a smother workflow of our products and allow for more indoor work space. The details of the building and the site are included as attachment to the Public Hearing Application.

The investment in the site and the building is expected to increase by approximately \$500,000.00 and the number of full time employees to increase by approximately 25-30.

Questions for Applicant:

Commissioner Jamison asked if tanks at the plant were built from raw materials or did they receive the tanks in parts and assemble them at the plant.

Mr. Reeves stated that the tanks were built from raw materials.

Commissioner Fletcher asked Mr. Reeves did he not follow through with the old permits.

Mr. Reeves stated they tried to work with the Planning Department to get a permit.

Commissioner York asked Mr. Reeves if he was just expanding the building.

Mr. Reeves replied yes.

Commissioner Torjusen asked the Reeves have they had any health issues relating to the plant.

Mrs. Reeves replied there have been no health issues since the plant has been open.

Robert Parker asked Mr. Reeves have the chemicals used at the plant changed.

Mr. Reeves replied no.

After further discussions the Vice-Chairperson Walters called for Staff presentation:

Commissioner Green joined the meeting at 5:50 P.M.

Staff Presentation:

Mrs. Nicholson stated that the Economic Development and Planning Department has received a request from Tom Reeves, manager of B & D Plastics, for a Conditional Use-Major Permit that would allow a Heavy Manufacturing use in a C-3 Highway Commercial zoning district at 5500 Allen Road, PID #85298033.000/ 85298032.025/ 85298009.000/8528009.050/8528008.000. The application fee of \$250 was paid on April 19, 2016. All public notice requirements have been met.

Background:

B & D Plastics, LLC is an existing manufacturing plant located at the end of Allen Road. The business is located in the area, annexed by the City in 2002. When the area was annexed, the business was considered Legal Non-Conforming due to the Agricultural Zoning at the time. The business was relatively small until it was acquired in 2009, the plant worked with the City to obtain a zoning change. Industrial Zoning was pursued at first, but due to opposition, C-3 Highway Commercial Zoning was obtained. Based on the information provided by the company that the proposed buildings would be used for storage and assembly, the city established the use at the time as “Light Manufacturing” which was a “Permitted” use within a C-3 Zoning District. Since obtaining the zoning change, B & D Plastics, Inc. has had several expansions.

For reference, the definitions of the manufacturing uses from Article II of the Unified Development Ordinance are provided below:

Manufacturing, Heavy: (Heavy Industry) A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of raw materials used in manufacturing. The following uses are considered Heavy Manufacturing or Industrial uses:

- A. Manufacture of chemicals such as alcohol, ammonia, bleaching powder or chlorine.
- B. Manufacture of concrete or cement products, brick, tile, or terra cotta.

- C. Asphalt manufacture of refining; and/or
- D. Any other industrial or manufacturing facility which has the potential of negatively impacting surrounding uses as determined by the City Council.

MANUFACTURING, LIGHT: (Light Industry) The manufacture or assembly predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Light industrial or manufacturing uses should be capable of operating in such a manner as to control the external effects of the manufacturing process.

Since being acquired by Augusta Fiberglass in 2009, B&D Plastics, LLC has increased the size of their goods and has changed their impact to the surrounding area due to their off-site transportation methods and the odor that leaves the site. (See Exhibits E and G).

In addition, the company has now started work on preparing for their proposed building and has removed the wooded buffer that screened the facility from the surrounding residential neighbors. The industrial visual aesthetic of the facility has an impact on the character of the neighborhood. (See Exhibit E)

According to the Unified Development Ordinance, “Light industrial or manufacturing uses should be capable of operating in such a manner as to control the external effects of the manufacturing process.”

Since the external effects are not being control and the plant is manufacturing products in accordance with the definition of “Heavy Manufacturing”, the City has determined that the current use of the property is a “Heavy Manufacturing” and requires a Conditional Use Permit.

The request property is zoned C-3 Highway Commercial.

1. Location: 5500 Allen Road (See Exhibit A)
Principal Arterial: Highway 57
2. General features of the proposed project:
Total Building Area: 10,500 Proposed Building/Total on Site - Unknown
Site Size: Approx. 15 Acres
Year Building Constructed: Unknown
3. Potable Water and Wastewater Services: Existing from City

4. Current Zoning (See Exhibit B): C-3 Highway Commercial
5. Current Surrounding Zoning (See Exhibit B): Agricultural to the North and West; C-3 Highway Commercial to the South; and no zoning district to the East (Sandhill Crane Refuge).
6. Current Surrounding Existing Land Use (See Exhibit C): Very Low to Low Density Residential to the North and West; Very Low to Low Density Residential/Vacant to the South; and Sandhill Crane Refuge to the East.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated "Conditional Uses-Major" are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION:

Staff finds that the proposed use is not compatible and harmonious with the surrounding C-3 Highway Commercial and Agricultural Zoning Districts. The following recommended Conditions may make the proposed use closer to being compatible and harmonious with the surrounding area:

1. The proposed building shall be oriented to face the large bay doors to the north and south.

2. The north, south, and west façade of the proposed building shall have a brick façade with no exposed metal siding.
3. No City street shall be blocked between the hours of 7 a.m. and 7 p.m. seven days a week.
4. In areas where residential homes are located, loads requiring escort vehicles and/or heavy equipment to assist with the transport shall be limited to 7 p.m. to 9 p.m. seven days a week.
5. B&D Plastics, LLC shall send a notice of Road Closure to the Public Works Department and Police Department a minimum of 72 hours in advance of any road closure so the closure can be properly advertised.
6. All areas on site, outside of the buildings, shall be either paved with a hard surface, grassed, or landscaped.
7. The entire site shall be landscaped in accordance with the Unified Development Ordinance.
8. All unpermitted accessory structures shall be removed or properly permitted.
9. All temporary storage units such as conex boxes, mobile home style trailers, and semi-truck style trailers, etc. shall be removed from the site, unless specifically allowed for per the Unified Development Ordinance.
10. Outdoor storage shall be removed. Outdoor storage is only allowed for retail goods in a C-3 Highway Commercial district.
11. A Privilege License shall be obtained and maintained.
12. All comments in the City's comments list dated January 8, 2016 and January 14, 2016 shall be addressed prior to obtaining a permit. (See Exhibit J)
13. All heavy equipment such as cranes, fork lifts, generators, bulldozers, track hoes, man lifts, etc. shall remain inside of buildings or be screened from view in accordance with Section 16.6 E, Care of Property and Premises of the Unified Development Ordinance.
14. All off-site signage shall be removed and no additional off-site signage shall be installed unless the Unified Development Ordinance allows the off-site signage application and the signage is properly permitted.

15. A 30' buffer shall be installed on the north, south, and west sides of the property in accordance with Section 11.6, Transitional Landscape Buffer Yards, of the Unified Development Ordinance. The landscaping shall be installed on the outside of the fence.
16. The business shall meet all minimum requirements/regulations of the Mississippi Department of Environmental Quality (MDEQ) regarding air quality and Stormwater run-off quality.
17. Noise levels shall meet the City's noise ordinance. (See Exhibit J.)
18. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

Applicant rebuttal/final comments:

Mr. Gill requested a recess to review the eighteen (18) recommended conditions. Mr. Gill stated that this was the first time he or the rest of his team had seen the conditions.

Vice Chairperson Walters granted a recess until 6:55 P.M.

Meeting resumed at 6:55 P.M.

Mr. Gill, Mr. Lebatard, Mr. Hunter and Mr. Reeves addressed the eighteen (18) recommend conditions.

After the discussion of the recommended conditions, Mr. Hunter asked Mrs. Nicholson if she had done a cost analysis on how much the implementation of the conditions would cost Mr. Reeves.

Mrs. Nicholson replied no she did not.

Mrs. Nicholson continued with her presentation by reading an email from Sara Parker (Exhibit L) and a letter by Hannah Tillman (Exhibit M).

Mr. Gill objected to the reading of the documents because they were already entered in to record.

Commissioner York stated that the UDO is not allowing the City to be business friendly.

Vice- Chairperson Walters asked Deputy Fire Chief Derek McCoy about the fire hydrant.

Mr. McCoy stated he told Mr. Reeves that a public fire hydrant could not be inside a locked gate and Mr. Reeves had addressed that issue. Mr. Reeves does not lock the gate.

Vice-Chairperson Walters noted his objection and allowed Mrs. Nicholson to continue.

Final comments:

Robert Parker at 7001 Baker Road does not want the plant to expand close to his property.

Mr. Britt on Allen Road stated that the plant is good for the City. The City needs the economic growth that the plant brings.

Carrie Ann Carroll, Human Resources Director for B & D Plastics, asked Planning Commission to allow B & D Plastics to expand because they are bringing in resources to the City of Gautier.

Vice-Chairperson Walters closed the public portion of the public hearing and called for a motion.

Commissioner Green made the motion that there be a Finding of Fact and Recommendation to City Council that no Conditional Use –Major Permit is required as B & D Plastics, LLC is acting in “Light Manufacturing” capacity. **Commissioner Torjusen** seconded the motion and the following vote was recorded:

AYES: **Sandra Walters**
 Jimmy Green
 Anthony York
 Phil Torjusen

NAYS: **Kay C. Jamison**
 J.J. Fletcher

ABSENT: **Larry Dailey**

Motion passed.

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3. B & D PLASTICS – 5500 ALLEN ROAD – REQUEST FOR A NINETEEN FOOT (19’) HEIGHT VARIANCE TO ALLOW A FIFTY –FOUR FOOT (54’) HIGH BUILDING IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE #16-11-VAR)

Vice-Chairperson Walters introduced the case.

Witness were the same from previous case.

Applicant presentation:

Mr. Lebatard stated that the applicant B & D Plastics, LLC is requesting a nineteen (19') Height Variance for a metal building in a C-3 Highway Commercial Zoning District to expand their business and build another metal building on site which is proposed to be 10,500 square feet.

The hardship of the applicant not getting the requested Height Variance would be the inability to expand the manufacturing process, not employing additional employees and not adding economic growth to the City of Gautier.

Questions for Applicant:

Commissioner Torjusen asked Mr. Reeves how much did he pay for that metal building.

Mr. Reeves stated about \$140,000.

Staff presentation:

Mrs. Nicholson stated The Economic Development and Planning Department has received a request from B&D Plastics, LLC for a nineteen foot (19') Height Variance for a metal building in a C-3 Highway Commercial Zoning District at 5500 Allen Road, PID #85298009.050/85298009.000. The application fee of \$175 was paid on May 2, 2016. All public notice requirements have been met.

Recommendation:

The Gautier Planning Commission recommends approval of the proposed 19' Height Variance Request as presented:

The City Council may:

1. Approve the Height Variance request as presented; or
2. Approve the Height Variance request with changes; or
3. Deny the Height Variance request.

Questions for Staff:

None

Public Comments:

None

Call for final questions:

None

Vice-Chairperson Walters closed the public portion of the hearing and called for a motion.

Commissioner Torjusen made the motion to recommend City Council approve the Height Variance request as presented. **Commissioner York** seconded the motion and the following vote was recorded:

AYES: Sandra Walters
Jimmy Green
Anthony York
Phil Torjusen

NAYS: Kay C. Jamison
J.J. Fletcher

ABSENT: Larry Dailey

Motion passed.

Mrs. Nicholson did not have a Previous Case Update.

Mrs. Nicholson did announce that Little Caesar's would be coming soon to Gautier on Gautier -Vancleave Road.

Vice-Chairperson Walters made the motion to adjourn the meeting. **Commissioner Jamison** seconded the motion and the following vote was recorded:

AYES: Sandra Walters
Jimmy Green
Kay C. Jamison
J.J. Fletcher
Anthony York
Phil Torjusen

NAYS: None

ABSENT: Larry Dailey

Motion passed.

SUBMITTED BY:

**Chandra Nicholson
Economic Development & Planning Director**

DATE: _____

**Larry Dailey, Chairman
Gautier Planning Commission**

DATE: _____

Gautier Planning Commission

Regular Meeting Agenda

June 02, 2016

GPC #16-10-CU

New Covenant of Grace Church

1412 HIGHWAY 90 CONDITIONAL USE

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. NEW COVENANT OF GRACE CHURCH – 1412 HIGHWAY 90 - REQUEST FOR A CONDITIONAL USE-MAJOR THAT WOULD ALLOW A CHURCH OR PLACE OF WORSHIP IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE #16-10-CU)

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Chandra Nicholson, Director of Economic Development & Planning

Date: May 25, 2016

Subject: Conditional Use-Major Permit for New Covenant of Grace Church at 1412 Highway 90 (GPC Case No. 16-10-CU)

REQUEST:

The Economic Development and Planning Department has received a request from W. Calvin Hyde representative of New Covenant of Grace Church, for a Conditional Use-Major Permit that would allow a Church or Place of Worship in a C-3 Highway Commercial Zoning District at 11412 Highway 90, PID #82436365.000. The application fee of \$250 was paid on April 14, 2016. All public notice requirements have been met.

BACKGROUND:

The request property is zoned C-3 Highway Commercial.

1. Location: 1412 Highway 90 (See Exhibit A)
Principal Arterial: Highway 90
2. General features of the proposed project:
Total Building Area: 1500 square feet
Site Size: 1.32 Acres
Year Building Constructed: 1981
3. Potable Water and Wastewater Services: Existing from City
4. The building is existing and was previously used as a church. The last known use of the property was a church. The building was built prior to 2010 when the UDO became effective. The building has been vacant for more than sixty (60) days, so the “grand-fathered” status has expired.
5. Current Zoning (See Exhibit B): C-3 Highway Commercial
6. Current Surrounding Zoning (See Exhibit B): C-3 Highway Commercial/R-3 Mobile Home/C-2 Community Commercial to the South; C-3 Highway

Commercial to the West and North; and C-3 Highway Commercial/R-1 Low Density Residential to the East.

7. Current Surrounding Existing Land Use (See Exhibit C): Commercial-Retail to the North; Commercial Retail/Vacant to the East; Commercial Retail/ Office/ Mobile Home Park to the South; and Office/Vacant to the West.
8. Comprehensive Plan Future Land Use Designation (See Exhibit D): High Impact Commercial

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant: Yes. It has been used for a church in the past.

Staff Finding: Yes. A Church or Place of Worship is listed as a Conditional Use-Major in a C-3 zoning district.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response: Yes. The building has been used as a church building in the past. The only relating compatibility with the two adjoining properties is there is no high volume of traffic consistently. The current building design coincides with the other properties since it once housed a printing business. The church in and of itself will not have an adverse effect on the environment.

Staff Finding: The proposed use will be located in an existing building and will not further impact the density, bulk and intensity of the structures in the vicinity. Table No. 9 of the UDO establishes minimum parking spaces required for churches as 1 for each 45 sf of GFA of the sanctuary, auditorium, or main place of worship (or 1 per 3 seats). Based on the proposed number of 50 seats the proposed use will need 17 parking spaces, with 1 of those being an ADA accessible space.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: No. It has been used for a church in the past.

Staff Finding: There is no evidence to indicate the proposed use will negatively affect the property values, or cause a detriment to the surrounding properties. There is one establishment close to the proposed church location which sells alcohol, but is approximately 300' away, which is greater than the 100' minimum distance required in commercial districts.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: No. Building is located on a service road.

Staff Finding: There is no evidence that the proposed church will have any adverse affect on vehicular or pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: Yes.

Staff Finding: The proposed use can be accommodated by existing public services and facilities.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant: Yes. It has been used as a church before. The proposed use is as stated in the Conditional Use Narrative. There is no Comprehensive Plan for expansion of building by New Covenant of Grace Church.

Staff Response: The Comprehensive Plan states that churches may be permitted as a conditional use in a highway commercial district with conditions imposed to ensure that the use is compatible with its surroundings.

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: No. It will be a gathering of people to worship.

Staff Finding: There is no evidence that the proposed use poses a hazardous, detrimental or disturbing affect to present surrounding uses.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: The use has been conformed to all district regulations in the past. To the best of my knowledge, no! This is the reason for filing the CONDITIONAL USE APPLICATION. Because a church has to have special approval to meet at site location.

Staff Finding: The proposed use can be made to conform to district regulations with certain conditions.

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated “Conditional Uses-Major” are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION:

Staff finds that the proposed use may be compatible and harmonious with the Neighborhood Commercial District and recommends approval with the following conditions:

1. The church services/events/meetings shall be limited to 50 occupants at one time.
2. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
3. The property shall be maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.

4. A parking lot shall be installed that accommodates seventeen (17) parking spaces, one of which is ADA accessible. The parking lot layout and construction shall meet the requirements as set forth in Article VII of the Unified Development Ordinance.
5. Existing business signage which does not comply with the Unified Development Ordinance shall be removed.
6. Within 60 months of issuance of the Major Conditional Use Permit, the owner or applicant shall install one tree every 30' along the south, east, and west property lines up to the front face of the building. Trees to be a minimum of 6' in height at the time of planting or within 60 months (whichever is later).
7. Noise levels shall meet the City's noise ordinance. (See Exhibit E.)
8. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit F.)

CONCLUSION:

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major with the Conditions listed; or
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Draft Conditional Use-Major Permit
2. Applicant's Exhibit 1 – Application
3. City's Exhibit A – Location Map
4. City's Exhibit B – Existing Zoning Map
5. City's Exhibit C – Existing Land Use Map
6. City's Exhibit D – Future Land Use Map
7. City's Exhibit E – Section 15-5 City of Gautier's Code of Ordinances (Noise Ord.)
8. City's Exhibit F – Section 3409 of the International Building Code (Accessibility)

GAUTIER, MISSISSIPPI
 ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
 CONDITIONAL USE APPLICATION

Public Hearing Number

GPC#16-10.CU

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>	<u>FEE:</u>
Conditional Use - Major ✓	\$250.00
<u>TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:</u>	<u>FEE:</u>
Conditional Use - Minor _____	\$250.00

Name of Applicant: W. Calvin Hyde

Name of Business: Church / New Covenant of Grace Phone: 228 547 8952

Property Address: 1412 Highway 90 Church Mailing Address (if Different): _____

E-Mail Address: calvinhyde@hotmail.com

Proposed Use Requiring Conditional Use: Church (Refer to Article V, UDO)

Proposed Location is: New Build Existing (with no modifications) Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- 1. Answers to the Criteria for Approval (see attached).
- 2. Project Narrative (see attached).
- 4. Diagram of intended use (see attached).
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- N/A 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s): Willie C. Hyde, Jr. Date of Application: 4/14/2016

FOR OFFICE USE ONLY	
Date Received <u>4-14-16</u>	Verify as Complete <u>CCW</u>
Fee Amount Received <u>250.00</u>	Initials of Employee Receiving Application <u>RM</u>

OWNERS CONSENT AND DESIGNATION OF AGENT - CONDITIONAL USE

I, ROYCE LUKE, the fee simple owner(s) of the following described property:

Address:	<u>1410 Hwy 90</u>
	<u>1412</u>
	<u>Gautier, MS 39553</u>
Parcel ID No.:	<u>82436365.000</u>

hereby petition to the City of Gautier to *Grant a Conditional Use Major or Minor of* Church or place of worship (state proposed use from Article V of the Unified Development Ordinance) at the above reference property and affirm that W. CALVIN HYDE (name of agent) is hereby designated to act as agent on my behalf to accomplish the above.

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand this application; attachments and fees become part of the official records of the City of Gautier, MS, and are not returnable.

Royce B Luke
(Owner's Signature)

(Owner's Signature)

Notary Information:

The foregoing instrument was acknowledged before me this 13 day of April, 2016 by Addie L. Bang, who is personally known to me or has produced MS. DL. as identification and who did take an oath.

Addie L. Bang
(Printed Name of Notary Public)

Addie L. Bang
(Signature of Notary Public)

Commission # 101387. My commission expires Feb 13, 2020.



CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

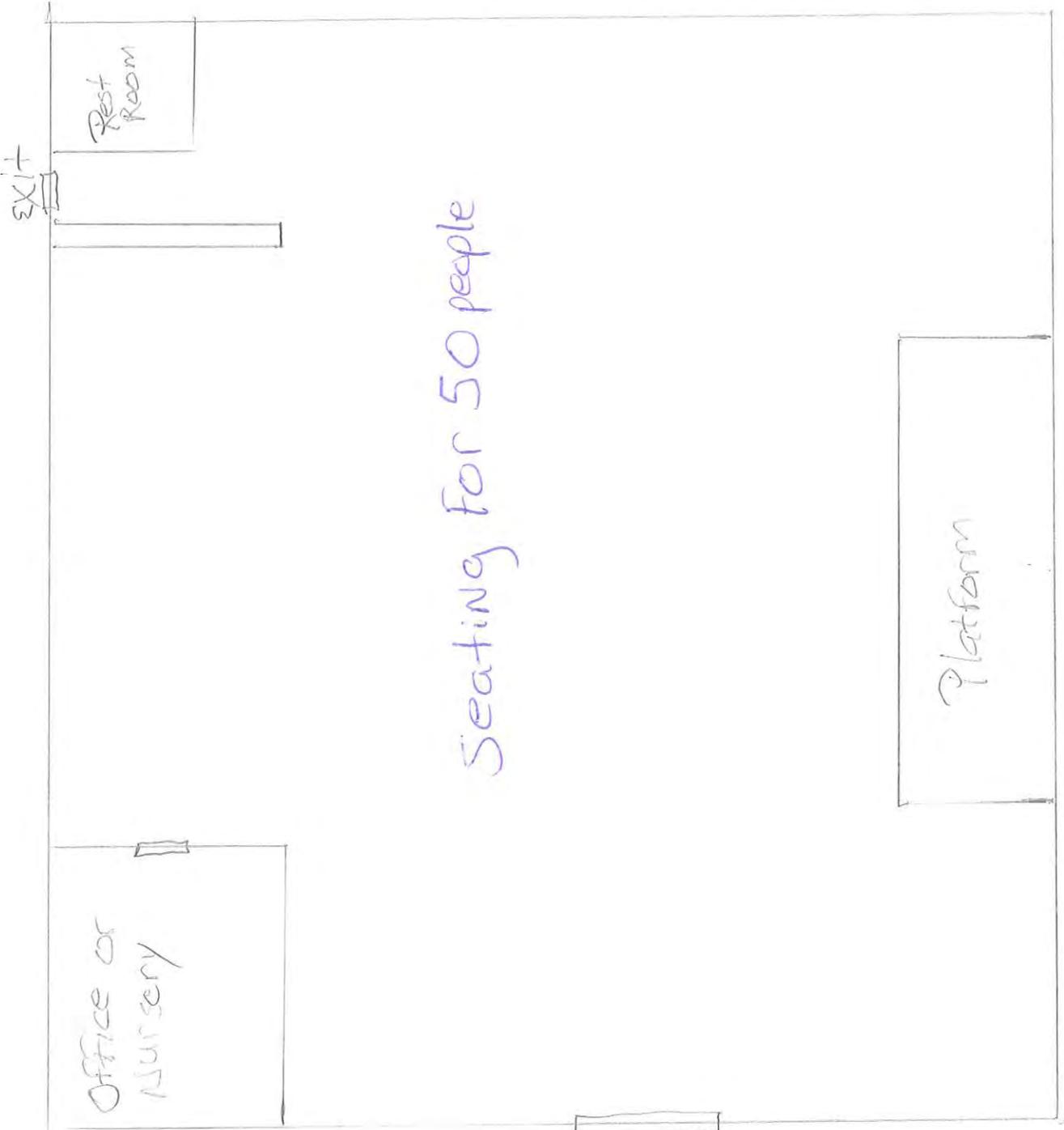
1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
yes. It has been use for a church in the past
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.
Yes. The building has been used as a church building in the past
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
No. It has been use for a church in the past
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
No. building is located on a service road.
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?
yes
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
yes. It has been use as a church before,
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.
No. It will be a gathering of people to worship.
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.
The use has been conformed to all district regulations in the past.

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

* see Attachment

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

W



Seating for 50 people

Platform

E

Set-up from previous Church.
No change anticipated.

S

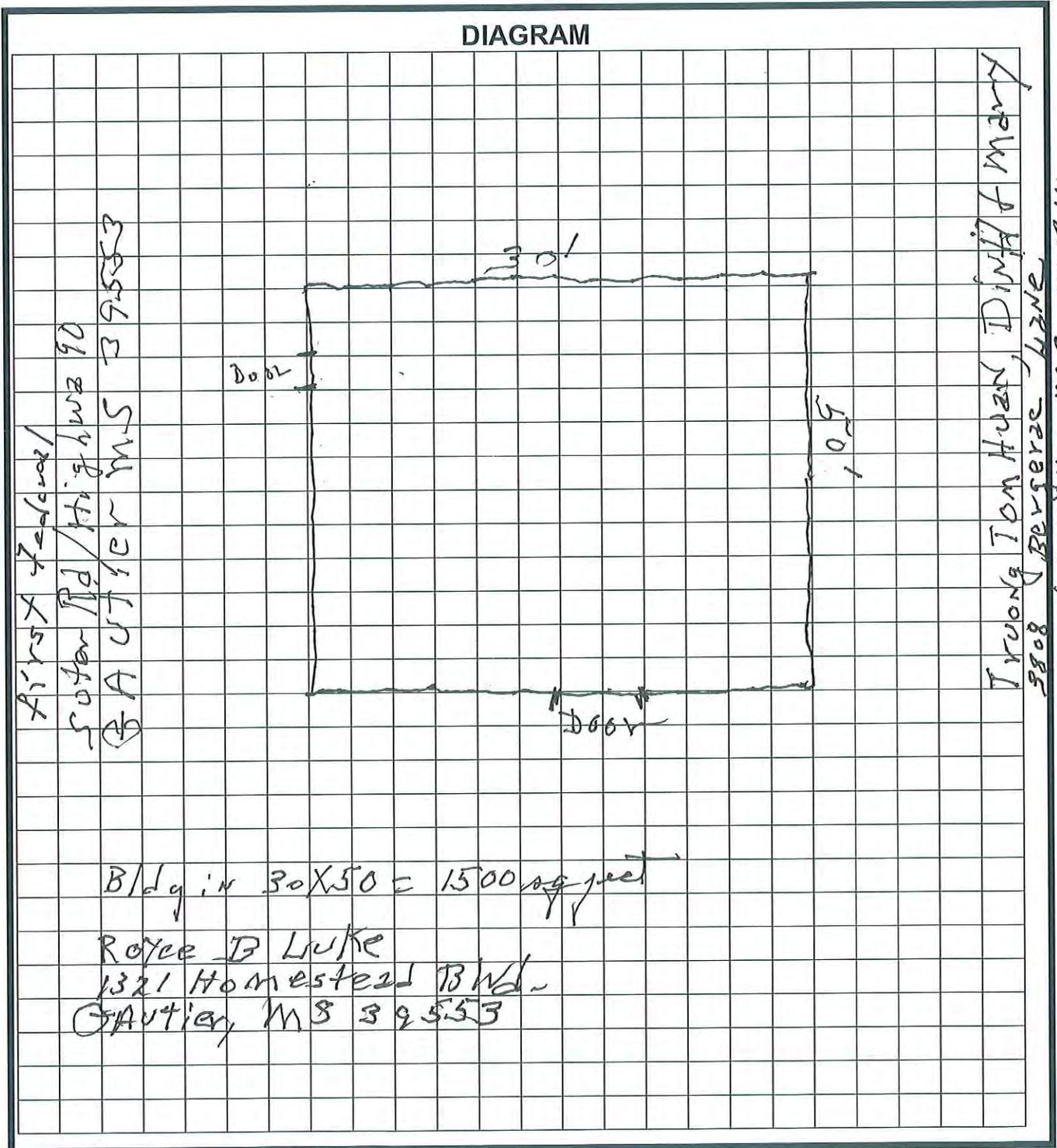
EXIT

EXIT

N

~~1410~~ Hwy 90
1412

CONDITIONAL USE DIAGRAM – Provide a diagram of the project site. In cases where certain requirements such as parking are triggered by aspects of the interior of the building, the interior building layout will need to be provided also. Include location and dimensions of property lines, buildings, parking spaces, outdoor storage areas, outdoor seating areas, signage, landscape areas, driveways, loading/unloading areas, limits of paving, exterior elevations (if changes are proposed), entrance/exit locations. Include the whole site. Use the space below or provide separate drawings. Staff will provide guidance as needed on additional information needed on the diagram.



CONDITIONAL USE NARRATIVE

The intended use of the property at 1410 Hwy 90 by New Covenant of Grace Church is as follows:

To provide a place of worship and edification for individuals that have freely chosen Jesus Christ as their Lord and Savior.

Services, a.m. and p.m., will be conducted once or more on Sundays as needed. Depending on growth and occupancy limit.

* A mid-week evening service will be held on Wednesday or Thursday. It is also anticipated that there will be special ^{services} events that may be held two or more days during the course of a week.

Due to location, service road, of said property church traffic should not effect the normal flow of regular traffic.

* Special Services may begin on Sunday and go through Wednesday. Or Services may begin on Wednesday and go through Sunday.

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. The only relating compatibility with the two adjoining properties is there is no high volume of traffic consistently. The current building design coincides with the other properties since it was once housed a printing business. The church in and of itself will not have an adverse effect on the environment.
2. There will be no material whatsoever that will be detrimental to the health, safety, and general welfare of the public, the environment or adjoining properties.
3. The proposed use is as stated in the Conditional Use Narrative. There is no Comprehensive Plan for expansion of building by New Covenant of Grace Church.
4. To the best of my knowledge, no! This is the reason for filing the CONDITIONAL USE APPLICATION. Because a church has to have special approval to meet at site location.

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR PERMIT
GPC CASE NO. 16-10-CU**

NEW COVENANT OF GRACE CHURCH

REGARDING PARCEL ID NO: 82436365.000

The City of Gautier City Council, at its regular meeting held on June 21, 2016, considered the application for a Conditional Use-Major Permit for a church or place of worship as submitted by W. Calvin Hyde, representative for New Covenant of Grace Church. The parcel subject to this Permit is located at 1412 Highway 90, Gautier, Mississippi, 39553. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission, application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the Conditional Use-Major Permit as follows:

1. This proposed Conditional Use-Major is consistent with the goals, objectives and policies of the City's Comprehensive Plan.
2. This proposed Conditional Use-Major is consistent with the character of the immediate vicinity of the proposed use.
3. The proposed use, classified as a church or place of worship, is permitted as a Conditional Use-Major in the C-3 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on April 14, 2016 for a Conditional Use-Major Permit.
5. The following additional conditions will ensure that the operation of the proposed conditional use will minimize any detrimental effects on neighboring properties and shall apply to the project:
 - a. The church services/events/meetings shall be limited to 50 occupants at one time.
 - b. The building façade shall be repaired, painted, and maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.
 - c. The property shall be maintained to meet the minimum Property Maintenance and Care section of the Unified Development Ordinance.

- d. A parking lot shall be installed that accommodates seventeen (17) parking spaces, one of which is ADA accessible. The parking lot layout and construction shall meet the requirements as set forth in Article VII of the Unified Development Ordinance.
 - e. Existing business signage which does not comply with the Unified Development Ordinance shall be removed.
 - f. Within 60 months of issuance of the Major Conditional Use Permit, the owner or applicant shall install one tree every 30' along the south, east, and west property lines up to the front face of the building. Trees to be a minimum of 6' in height at the time of planting or within 60 months (whichever is later).
 - g. Noise levels shall meet the City's noise ordinance. (See Exhibit E.)
 - h. The location shall meet all accessibility requirements for change of occupancy as stated in Section 3409 of the International Building Code. (See Exhibit F.)
6. The City Clerk shall have this permit recorded in the public records of Jackson County and provide the applicant a copy of the permit with the recording information affixed.
7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Permit on June 2, 2016.
8. The City Council adopted this Conditional Use-Major Permit on a recorded vote of _____ eyes to _____ nays to approve the application of New Covenant of Grace Church, located at 1412 Highway 90, in Gautier, Mississippi, and identified as Jackson County Parcel No. 82436365.000.

June 21, 2016
Date of Issuance

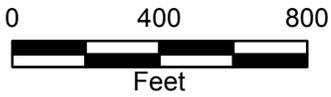
Attest:

Gordon Gollott, Mayor
City of Gautier, Mississippi
3330 Highway 90
Gautier, MS 39553

Cindy Russell
City Clerk

Location Map
1412 Highway 90
New Covenant of Grace Church
Conditional Use

City Of Gautier
Economic Development/Planning

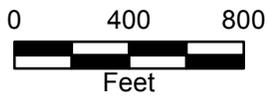


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City of Gautier
Planning Division



Existing Zoning Map

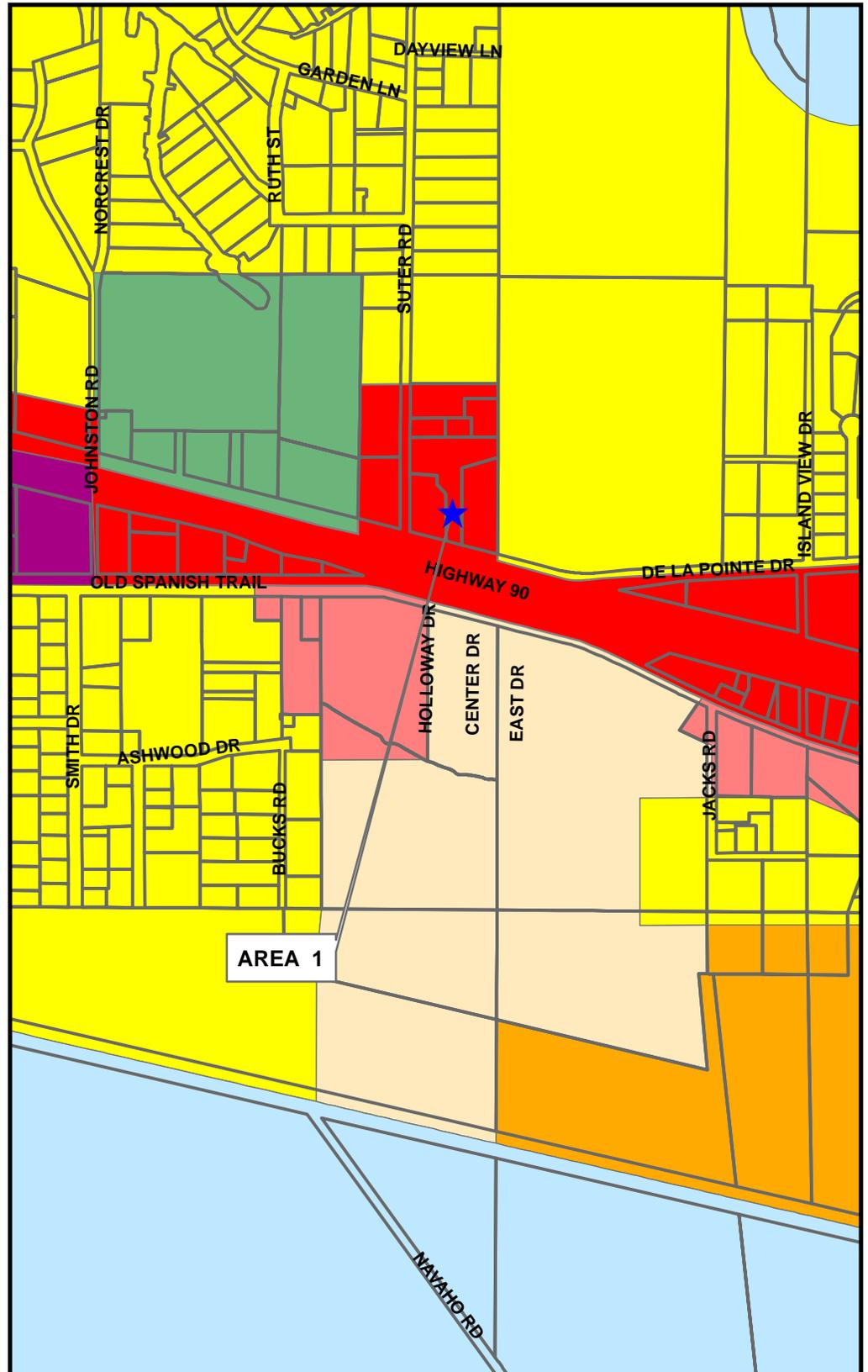
**City Of Gautier
Economic Development/Planning**



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City of Gautier
Planning Division**

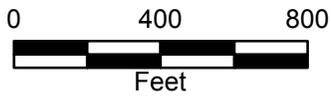
Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



Existing Land Use Map

**City Of Gautier
Economic Development/Planning**

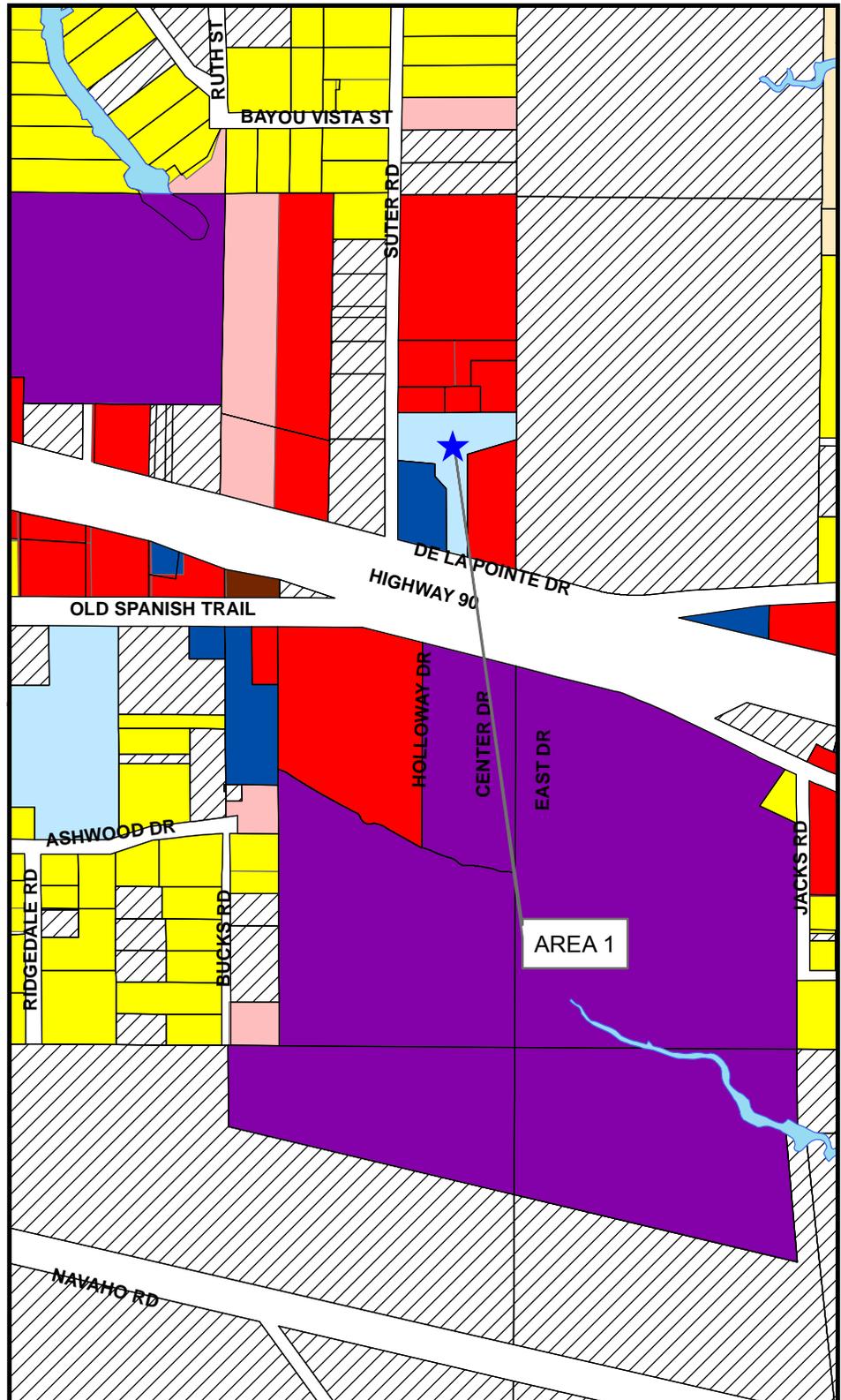


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Planning Division**

Legend

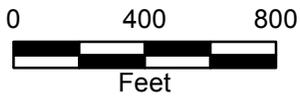
EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant



Future Land Use Map

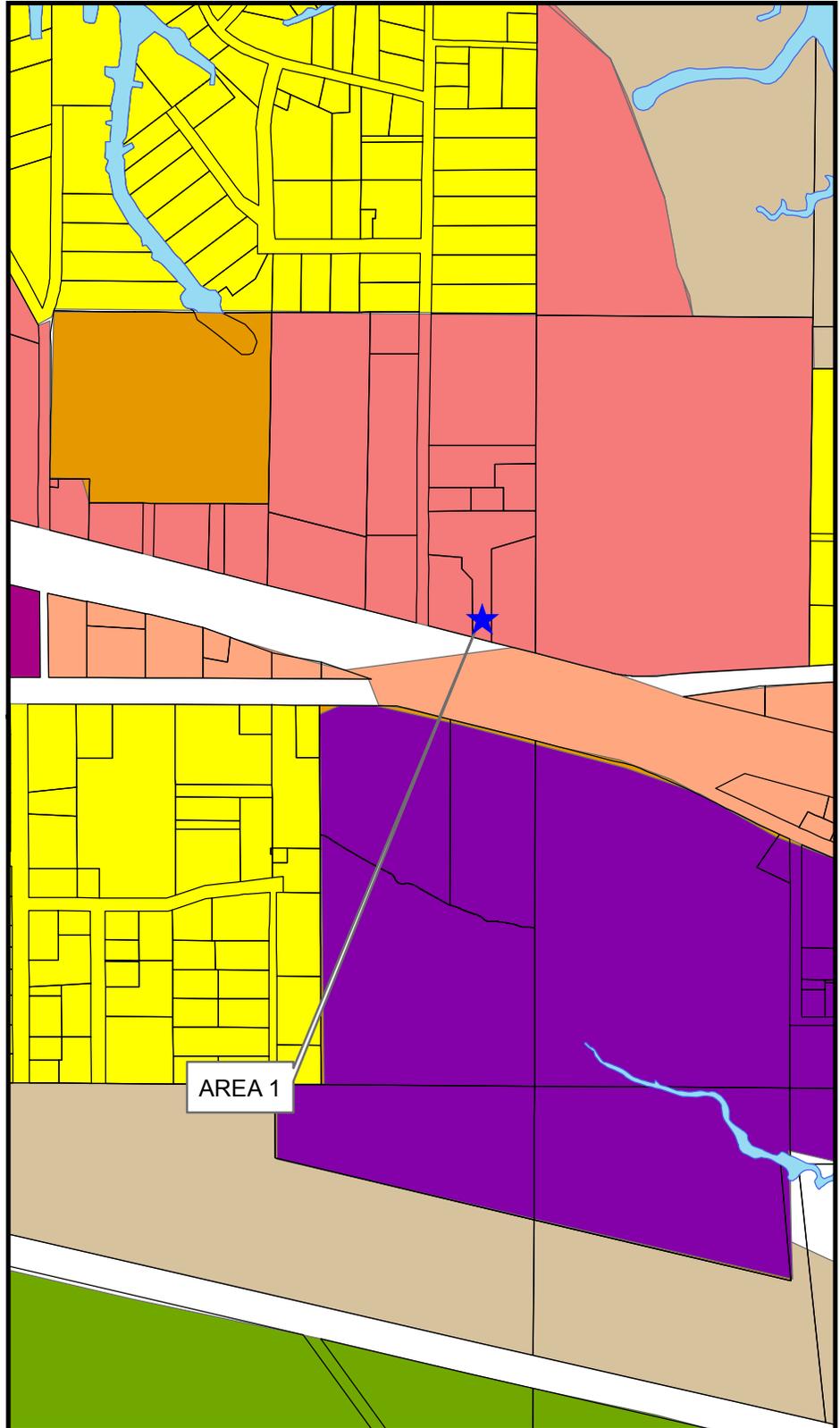
City Of Gautier
Economic Development/Planning



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Planning Division

Legend

-  Civic
-  High Impact Commercial
-  Conservation
-  High Density Residential
-  Industrial
-  Low Density Residential
-  Medium Density Residential
-  Mobile Home Residential
-  Low Impact Commercial
-  Recreational
-  Recreational Commercial
-  Regional Scale Commercial
-  Mixed Use Residential
-  Town Center
-  Very Low Density Residential



Sec. 15-5. - Loud music and sounds.

(a)

The operation and use of sound or loudspeaking machines or any equipment for magnifying, amplifying or projecting music, sound or noise on the streets of the city is hereby prohibited.

(b)

It shall be unlawful for any person to use or allow to be used from their place of business, residence or any other location, equipment for magnifying or amplifying and/or enlarging music, sound or noise in an unreasonably loud and large volume, disturbing the public generally and/or citizens and residents in close proximity to such place or places.

(c)

Religious, political, civic or public gatherings, speakings and meetings are specifically excluded from the effect of this section; provided, however, that such meeting or gathering be first approved by the chief of police and a formal written permit be issued by the planning director. Provided further, that any such permit so issued may, by the chief of police or planning director, be recalled and/or revoked at will if in the opinion of the chief of police or planning director the use of such equipment is objectionable or should for any reason not be allowed.

(Ord. No. 97, §§ 1—3, 12-3-96)

40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.

3404.5 **Opening protectives.** Doors and windows along the fire escape shall be protected with $\frac{3}{4}$ -hour opening protectives.

SECTION 3405 GLASS REPLACEMENT

3405.1 **Conformance.** The installation or replacement of glass shall be as required for new installations.

SECTION 3406 CHANGE OF OCCUPANCY

3406.1 **Conformance.** No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

3406.2 **Certificate of occupancy.** A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

3406.3 **Stairways.** Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

3406.4 **Change of occupancy.** When a change of occupancy results in a structure being reclassified to a higher occupancy category, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing provided.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where $S_{DS} < 0.33$, compliance with the seismic requirements of this code and ASCE 7 are not required.

SECTION 3407 HISTORIC BUILDINGS

3407.1 **Historic buildings.** The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

3407.2 **Flood hazard areas.** Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into conformance with Section 1612.

Exception: Historic buildings that are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

SECTION 3408 MOVED STRUCTURES

3408.1 **Conformance.** Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

SECTION 3409 ACCESSIBILITY FOR EXISTING BUILDINGS

3409.1 **Scope.** The provisions of Sections 3409.1 through 3409.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exception: Type B dwelling or sleeping units required by Section 1107 are not required to be provided in existing buildings and facilities.

3409.2 **Maintenance of facilities.** A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

3409.3 **Extent of application.** An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3409.4 **Change of occupancy.** Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.

2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110.
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporates any alterations or additions shall comply with this section and Sections 3409.5, 3409.6, 3409.7 and 3409.8.

3409.5 Additions. Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3409.7.

3409.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.7.
2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.
3. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC/ANSI A117.1.

3409.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems,

installation or alteration of fire protection systems and abatement of hazardous materials.

4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

3409.8 Scoping for alterations. The provisions of Sections 3409.8.1 through 3409.8.12 shall apply to alterations to existing buildings and facilities.

3409.8.1 Entrances. Accessible entrances shall be provided in accordance with Section 1105.

Exception: Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible, unless required by Section 3409.7. Signs complying with Section 1110 shall be provided.

3409.8.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

3409.8.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

3409.8.4 Stairs and escalators in existing buildings. In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5.

3409.8.5 Ramps. Where steeper slopes than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3409.8.5.

TABLE 3409.8.5
RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

3409.8.6 Performance areas. Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

3409.8.7 Dwelling or sleeping units. Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Section 907 for accessible alarms apply only to the quantity of spaces being altered or added.

3409.8.8 Jury boxes and witness stands. In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.

3409.8.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an

Gautier Planning Commission

Regular Meeting Agenda

June 02, 2016

GPC #16-12-CU

B & D PLASTICS, LLC

5500 ALLEN ROAD CONDITIONAL USE

VII. NEW BUSINESS

A. QUASI-JUDICIAL

3. B & D PLASTICS – 5500 ALLEN ROAD – REQUEST FOR A CONDITIONAL USE – MAJOR THAT WOULD ALLOW HEAVY MANUFACTURING IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE #16-12-CU)

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

CITY OF GAUTIER STAFF REPORT

To: Chairman and Members, Planning Commission

From: Chandra Nicholson, Director of Economic Development & Planning

Date: May 25, 2016

Subject: Conditional Use-Major Permit for B&D Plastics, LLC at 5500 Allen Road (GPC Case No. 16-12-CU)

REQUEST:

The Economic Development and Planning Department has received a request from Tom Reeves, manager of B&D Plastics, LLC, for a Conditional Use-Major Permit that would allow a Heavy Manufacturing use in a C-3 Highway Commercial zoning district at 5500 Allen Road, PID # 85298033.000 / 85298032.025 / 85298009.000 / 85298009.050 / 85298008.000. The application fee of \$250 was paid on April 19, 2016. All public notice requirements have been met.

BACKGROUND:

B&D, Plastics, LLC is an existing manufacturing plant located at the end of Allen Road. The business is located in the area, annexed by the City in 2002. When the area was annexed, the business was considered Legal Non-Conforming due to the Agricultural Zoning at the time. The business was relatively small until it was acquired by Augusta Fiberglass of South Carolina in 2009 (See Exhibit I). After being acquired in 2009, the plant worked with the City to obtain a zoning change. Industrial Zoning was pursued at first, but due to opposition, C-3 Highway Commercial Zoning was obtained. Based on the information provided by the company that the proposed buildings would be used for storage and assembly, the city established the use at that time as “Light Manufacturing” which was a “Permitted” use within C-3 Zoning District. Since obtaining the zoning change, B&D Plastics, Inc. has had several expansions (See Exhibit F).

For reference, the definitions of the manufacturing uses from Article II of the Unified Development Ordinance are provided below:

MANUFACTURING, HEAVY: (Heavy Industry) A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of raw materials used in manufacturing. The following uses are considered Heavy Manufacturing or Industrial uses:

- A.** Manufacture of chemicals such as alcohol, ammonia, bleaching powder or chlorine
- B.** Manufacture of concrete or cement products, brick, tile, or terra cotta

C. Asphalt manufacture of refining; and/or

D. Any other industrial or manufacturing facility which has the potential of negatively impacting surrounding uses as determined by the City Council.

MANUFACTURING, LIGHT: (Light Industry) The manufacture or assembly predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. Light industrial or manufacturing uses should be capable of operating in such a manner as to control the external effects of the manufacturing process.

Since being acquired by Augusta Fiberglass in 2009, B&D Plastics, LLC has increased the size of their goods and has changed their impact to the surrounding area due to their off-site transportation methods and the odor that leaves the site. (See Exhibits E and G)

In addition, the company has now started work on preparing for their proposed building and has removed the wooded buffer that screened the facility from the surrounding residential neighbors. The industrial visual aesthetic of the facility has an impact on the character of the neighborhood. (See Exhibit E)

According to the Unified Development Ordinance, “Light industrial or manufacturing uses should be capable of operating in such a manner as to control the external effects of the manufacturing process.”

Since the external effects are not being control and the plant is manufacturing products in accordance with the definition of “Heavy Manufacturing”, the City has determined that the current use of the property is a “Heavy Manufacturing” and requires a Conditional Use Permit.

The request property is zoned C-3 Highway Commercial.

1. Location: 5500 Allen Road (See Exhibit A)
Principal Arterial: Highway 57
2. General features of the proposed project:
Total Building Area: 10,500 Proposed Building/Total on Site - Unknown
Site Size: Approx. 15 Acres
Year Building Constructed: Unknown
3. Potable Water and Wastewater Services: Existing from City
4. Current Zoning (See Exhibit B): C-3 Highway Commercial
5. Current Surrounding Zoning (See Exhibit B): Agricultural to the North and West; C-3 Highway Commercial to the South; and no zoning district to the East (Sandhill Crane Refuge).

6. Current Surrounding Existing Land Use (See Exhibit C): Very Low to Low Density Residential to the North and West; Very Low to Low Density Residential/Vacant to the South; and Sandhill Crane Refuge to the East.
7. Comprehensive Plan Future Land Use Designation (See Exhibit D): Low Density Residential

DISCUSSION:

The following addresses the review criteria for a Major Conditional Use outlined in Section 4.17.5 of the UDO.

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?

Applicant: Yes.

Staff Finding: Yes. A Manufacturing, Heavy is listed as a Conditional Use-Major in a C-3 zoning district.

2. Describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.

Applicant Response:

- a. *One building has been added to the site with the intensity of the structure being the same as the buildings permitted by the City of Gautier in 2010 and 2012.*
- b. *See architectural sheet A104 attached.*
- c. *No different use of this project or property has changed.*

Staff Finding: The proposed use is not compatible with the character of the development in the vicinity. The neighboring properties are residential homes. The current intensity is an industrial use. Workers park on the grass in front of the plant, within the site, and on the residential street in front of the plant. (See Exhibit E)

The export of goods from this facility does not fit the character of the surrounding development. The export of large tanks and pipes from the site, requires large wide load trucks/trailers. Some trailers are over 100' in length. Many escort vehicles are needed for the larger loads requiring the entire road to be blocked. (See Exhibit G)

This area currently only has one way in and one way out. Future plans only show one connection for this entire area to Highway 57/Robinson Still Road.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Applicant Response: NO. B&D Plastics has been manufacturing on this site since the 1970's and has not nor will negatively affect neighboring property values nor will the facility pose a threat to citizens.

Staff Finding: There may be a real or perceived threat to citizens regarding property values due to the removal of the buffer, employees parking off-site, off-site signage placed for directional purposes, and the odor in the area. The City receives complaints about this facility from the citizens in the area.

4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.

Applicant Response: NO. The vehicular traffic will not change nor will it impact pedestrian traffic.

Staff Finding: The off-site transportation of goods from this facility blocks the road completely and requires a number of escort vehicles, so the vehicular and pedestrian traffic in the vicinity is adversely affected. (See Exhibit G)

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Applicant Response: YES.

Staff Finding: The proposed use can be accommodated by existing public services and facilities. The business currently has a public fire hydrant fenced inside of their property along with a portion of a City street. The City street and fire hydrant need to be available for public use or request a Right-of-Way Vacation.

6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.

Applicant: YES.

Staff Response: No, the Comprehensive Plan depicts this area as Low Density Residential (See Exhibit D).

7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.

Applicant Response: NO.

Staff Finding: There may be a real or perceived hazardous, detrimental, or disturbing affect to present surrounding land uses due to noises, dust, odor, fumes, water pollution, or other nuisances. There currently is no detention on site, the stormwater runoff goes straight into the off-site ditches without any filtration. There is a noticeable fiberglass/chemical odor surrounding the property. The business is an industrial use in a residential area.

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Applicant Response: YES.

Staff Finding: No. The development does not conform to many of the City's/District Requirements. Below are a few of the non-conformities:

- a. The business does not have a Privilege License.*
- b. Parking and Driveways are not paved in accordance with the UDO (Article VII, UDO)*
- c. Outdoor Storage for non-retail related goods is not permitted in a C-3 District (Article V Use Chart, UDO)*
- d. The business has placed off-site signage at Allen Road/Highway 57 which is not allowed (Article XII, UDO)*
- e. Two buildings exceed the height allowed in the C-3 District (Article V, UDO)*
- f. The property is not landscaped in accordance with the UDO (Article XI, UDO)*
- g. Work has started on the property without obtaining the proper permits. (Article IV, UDO)*
- h. The property contains many trailers, conex boxes, and accessory structures that are not allowed or have never been permitted (See Exhibit E).*
- i. The business has a portion of a City street and a public fire hydrant fenced in.*
- j. Numerous fire/life safety code violations (See Exhibit J).*

DETERMINATION OF APPLICABLE LAW:

1. The UDO defines conditional uses as specific uses which are enumerated in each zoning district and which because of their nature are not allowed by right but may be allowed after the required review process. The City may specify certain conditions as necessary to make the use compatible with other uses in the same district. Conditional uses are issued for uses of land and uses designated “Conditional Uses-Major” are transferable from one (1) owner of land to another.

The UDO further defines Conditional Uses-Major as uses that are not allowed by right but require a recommendation by the Planning Commission and the approval of the City Council. Additionally, if the conditional use is transferred to a new owner, the new owner must submit a letter to the Economic Development Director agreeing to the current terms and conditions before a business license may be issued.

2. Conditional Uses-Major requires a public hearing before the Planning Commission and approval by the City Council (Section 4.14 of the UDO).

RECOMMENDATION:

Staff finds that the proposed use is not compatible and harmonious with the surrounding C-3 Highway Commercial and Agricultural Zoning Districts. The following recommended Conditions may make the proposed use closer to being compatible and harmonious with the surrounding area:

1. The proposed building shall be oriented to face the large bay doors to the north and south.
2. The north, south, and west façade of the proposed building shall have a brick façade with no exposed metal siding.
3. No City street shall be blocked between the hours of 7 a.m. and 7 p.m. seven days a week.
4. In areas where residential homes are located, loads requiring escort vehicles and/or heavy equipment to assist with the transport shall be limited to 7 p.m. to 9 p.m. seven days a week.
5. B&D Plastics, LLC shall send a notice of Road Closure to the Public Works Department and Police Department a minimum of 72 hours in advance of any road closure so the closure can be properly advertised.
6. All areas on site, outside of the buildings, shall be either paved with a hard surface, grassed, or landscaped.
7. The entire site shall be landscaped in accordance with the Unified Development Ordinance.

8. All unpermitted accessory structures shall be removed or properly permitted.
9. All temporary storage units such as conex boxes, mobile home style trailers, and semi-truck style trailers, etc. shall be removed from the site, unless specifically allowed for per the Unified Development Ordinance.
10. Outdoor storage shall be removed. Outdoor storage is only allowed for retail goods in a C-3 Highway Commercial district.
11. A Privilege License shall be obtained and maintained.
12. All comments in the City's comments list dated January 8, 2016 and January 14, 2016 shall be addressed prior to obtaining a permit. (See Exhibit J)
13. All heavy equipment such as cranes, fork lifts, generators, bulldozers, track hoes, man lifts, etc. shall remain inside of buildings or be screened from view in accordance with Section 16.6 E, Care of Property and Premises of the Unified Development Ordinance.
14. All off-site signage shall be removed and no additional off-site signage shall be installed unless the Unified Development Ordinance allows the off-site signage application and the signage is properly permitted.
15. A 30' buffer shall be installed on the north, south, and west sides of the property in accordance with Section 11.6, Transitional Landscape Buffer Yards, of the Unified Development Ordinance. The landscaping shall be installed on the outside of the fence.
16. The business shall meet all minimum requirements/regulations of the Mississippi Department of Environmental Quality (MDEQ) regarding air quality and stormwater run-off quality.
17. Noise levels shall meet the City's noise ordinance. (See Exhibit J.)
18. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.

CONCLUSION:

The Planning Commission may:

1. Recommend that City Council approve the Conditional Use-Major with the Conditions listed; or
2. Recommend that City Council approve the Conditional Use-Major with changes; or
3. Recommend that City Council deny the Conditional Use-Major.

ATTACHMENTS:

1. Draft Conditional Use-Major Permit
2. Applicant's Exhibit 1 – Application
3. Applicant's Exhibit 2 – Proposed Drawings
4. City's Exhibit A – Location Map
5. City's Exhibit B – Existing Zoning Map
6. City's Exhibit C – Existing Land Use Map
7. City's Exhibit D – Future Land Use Map
8. City's Exhibit E – Site Photos
9. City's Exhibit F – Google Earth Images 1992 – 2015
10. City's Exhibit G – MS Press Article on Company with Pictures of Transportation of Load
11. City's Exhibit H - B&D Plastics, LLC State Registration
12. City's Exhibit I – Parent Company Information about Acquisition of B&D Plastics, LLC
13. City's Exhibit J – City Staff's Comments 1/8/16 & 1/14/16
14. City's Exhibit K – Section 15-5 City of Gautier's Code of Ordinances (Noise Ord.)

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR PERMIT
GPC CASE NO. 16-12-CU**

B&D Plastics, LLC

**REGARDING PARCEL ID NO: 85298033.000 / 85298032.025 / 85298009.000 /
85298009.050 / 85298008.000**

The City of Gautier City Council, at its regular meeting held on June 21, 2016, considered the application for a Conditional Use-Major Permit for a heavy manufacturing use as submitted by Tom Reeves, representative for B&D Plastics, LLC. The parcels subject to this Permit are located at 5500 Allen Road, Gautier, Mississippi. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission, application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the Conditional Use-Major Permit as follows:

1. This proposed Conditional Use-Major is consistent with the goals, objectives and policies of the City's Comprehensive Plan.
2. This proposed Conditional Use-Major is consistent with the character of the immediate vicinity of the proposed use.
3. The proposed use, classified as Manufacturing, Heavy, is permitted as a Conditional Use-Major in the C-3 District.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on April 19, 2016 for a Conditional Use-Major Permit.
5. The following additional conditions will ensure that the operation of the proposed conditional use will minimize any detrimental effects on neighboring properties and shall apply to the project:
 - a. The proposed building shall be oriented to face the large bay doors to the north and south.
 - b. The north, south, and west façade of the proposed building shall have a brick façade with no exposed metal siding.
 - c. No City street shall be blocked between the hours of 7 a.m. and 7 p.m. seven days a week.

- d. In areas where residential homes are located, loads requiring escort vehicles and/or heavy equipment to assist with the transport shall be limited to 7 p.m. to 9 p.m. seven days a week.
- e. B&D Plastics, LLC shall send a notice of Road Closure to the Public Works Department and Police Department a minimum of 72 hours in advance of any road closure so the closure can be properly advertised.
- f. All areas on site, outside of the buildings, shall be either paved with a hard surface, grassed, or landscaped.
- g. The entire site shall be landscaped in accordance with the Unified Development Ordinance.
- h. All unpermitted accessory structures shall be removed or properly permitted.
- i. All temporary storage units such as conex boxes, mobile home style trailers, and semi-truck style trailers, etc. shall be removed from the site, unless specifically allowed for per the Unified Development Ordinance.
- j. Outdoor storage shall be removed. Outdoor storage is only allowed for retail goods in a C-3 Highway Commercial district.
- k. A Privilege License shall be obtained and maintained.
- l. All comments in the City's comments list dated January 8, 2016 and January 14, 2016 shall be addressed prior to obtaining a permit. (See Exhibit J)
- m. All heavy equipment such as cranes, fork lifts, generators, bulldozers, track hoes, man lifts, etc. shall remain inside of buildings or be screened from view in accordance with Section 16.6 E, Care of Property and Premises of the Unified Development Ordinance.
- n. All off-site signage shall be removed and no additional off-site signage shall be installed unless the Unified Development Ordinance allows the off-site signage application and the signage is properly permitted.
- o. A 30' buffer shall be installed on the north, south, and west sides of the property in accordance with Section 11.6, Transitional Landscape Buffer Yards, of the Unified Development Ordinance. The landscaping shall be installed on the outside of the fence.
- p. The business shall meet all minimum requirements/regulations of the Mississippi Department of Environmental Quality (MDEQ) regarding air quality and stormwater run-off quality.
- q. Noise levels shall meet the City's noise ordinance. (See Exhibit J.)

- r. The location shall meet all parking requirements as set forth in Article VII of the Unified Development Ordinance.
6. The City Clerk shall have this permit recorded in the public records of Jackson County and provide the applicant a copy of the permit with the recording information affixed.
7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Permit on June 2, 2016.
8. The City Council adopted this Conditional Use-Major Permit on a recorded vote of _____ ayes to _____ nays to approve the application of B&D Plastics, LLC, located at 5500 Allen Road, in Gautier, Mississippi, and identified as Jackson County Parcel No. 85298033.000 / 85298032.025 / 85298009.000 / 85298009.050 / 85298008.000.

July 21, 2016
Date of Issuance

Attest:

Gordon Gollott, Mayor
City of Gautier, Mississippi
3330 Highway 90
Gautier, MS 39553

Cindy Russell
City Clerk

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT

CONDITIONAL USE APPLICATION

Public Hearing Number

GPC-16-12-CU

TO BE HEARD BY GAUTIER PLANNING COMMISSION:		FEE:
Conditional Use - Major	*	\$250.00
TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR:		FEE:
Conditional Use - Minor		\$250.00

Name of Applicant: TOM REEVES

Name of Business: B&D PLASTICS, LLC Phone: 228-875-5865

Property Address: 5500 ALLEN ROAD Mailing Address (if Different): _____

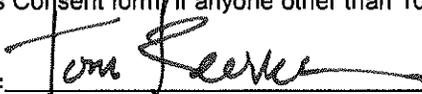
E-Mail Address: TOMREEVES@BDPLASTICS.COM

Proposed Use Requiring Conditional Use: LIGHT MANUFACTURING (Refer to Article V, UDO)

Proposed Location is: New Build Existing (with no modifications) Existing (with proposed modifications)

ATTACHMENTS REQUIRED AS APPLICABLE:

- X 1. Answers to the Criteria for Approval (see attached).
- X 2. Project Narrative (see attached).
- X 4. Diagram of intended use (see attached).
- N/A 4. Copy of protective covenants or deed restrictions, if any.
- _____ 5. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- X 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- _____ 7. Owner's Consent form if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant(s):  Date of Application: APRIL 19, 2016
TOM REEVES

FOR OFFICE USE ONLY	
Date Received	<u>4-19-16</u> Verify as Complete <u>5-6-16</u>
Fee Amount Received	<u>250.00</u> Initials of Employee Receiving Application <u>RM</u>

CONDITIONAL USE CRITERIA FOR APPROVAL - Complete either the Major Conditional Use section or Minor Conditional Use Section below. If more room is needed, answers can be provided on a separate sheet of paper.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use listed in the list of possible Conditional Uses in the particular Zoning District?
2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structures, (b) parking, and (c) other uses. Please attach parking plan, site plan, architectural rendering or other plans.
3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.
4. Will your project adversely affect vehicular or pedestrian traffic in the vicinity? Explain.
5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?
6. Is the proposed use in harmony with the Comprehensive Plan? Explain how.
7. Does the proposed use pose a hazardous, detrimental, or disturbing affect, either real or perceived, to present surrounding land uses due to noises, glare, smoke, dust, odor, fumes, water pollution, vibration, electrical interference, or other nuisances? Explain.
8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

MINOR CONDITIONAL USE CRITERIA FOR APPROVAL

1. Is the proposed use substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics, and environmental impacts? Explain.
2. Will the proposed use be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area? Explain.
3. Is the proposed use consistent with the Comprehensive Plan? Explain how.
4. Is the proposed use in conformance with specific site location, development, and operation standards as required by this Ordinance? Explain.

CONDITIONAL USE NARRATIVE – Describe the proposed project in detail. Include all types of business activities that will be conducted on-site, any out-door storage or seating proposed, anticipated traffic, access for pick-up/delivery vehicles, proposed improvements, etc. Use the space below or provide a separate type written sheet of paper and attach. Staff will provide guidance as needed on additional information needed in the narrative.

NARRATIVE

SEE ATTACHED NARRATIVE

History and Project Narrative

In the early 1970's, the facility was constructed and included the complex of buildings and office space located on the South of the current property. At that time the property was zoned as Industrial within the county. The products that were manufactured were of the production type fiberglass items such as tanks, vats, shower stalls, bathtubs, sinks, and other custom made plastic products. The property and business was owned by the Reeves family under "Reeves Plastics Engineering". The business continued as Reeves Plastics Engineering until the late 1980's.

In 1991, B & D Plastics, owned by the Reeves family, moved from Georgia to the family owned property in Jackson County and continued to manufacture custom made fiberglass and plastic products.

In 2010, B & D Plastics formed a partnership and expanded the operations by adding a new 10, 875 square foot building.

In 2012, B & D Plastics added another building of the same size to the north side of the property.

The manufacturing at the site includes open molding of custom products using a variety of methods with thermoset resins and other plastic products.

In early 2015, B & D Plastics attained the required authorization to code stamp our products to the current ASME codes. This achievement took four years to attain and is one of only three such authorizations in existence on earth.

Some of the components B & D manufactures are large and require heavy materials handling equipment to move such components on the site. There is presently a large expanse of compacted limestone work surface that is well able to support very heavy loads. This surface provides all weather access to the entire site.

B & D doesn't produce a large volume of traffic. The number of shipments out of the plant site averages less than one (1) load per week. The existing roads have handled this volume of shipments easily in the past.

This manufacturing facility has been a benefit to Jackson County for the past 24 years. Since addition of the building in 2010, B & D Plastics has consistently employed between 30 and 50 full time employees and currently employs 60 full time employees. Besides wages B & D generates tax revenue for the City and County.

Considering the continuous industrial use of the B & D property since 1991, it would seem that industrial zoning would have been originally assigned to the B & D property. The present commercial zoning is inconsistent with the established industrial land use. The City of Gautier and Jackson County have worked with B & D in the past, encouraging the operation of this facility.

The rezoning of this property will serve to rectify a presently inequitable situation and will also be consistent with the City's past policy concerning the operation of B & D Plastics.

The new project will entail the addition of another building and improvements on the North-West of the

existing site. Equipment will be moved from an existing building into the new building to provide a smoother workflow of our products and allow for more indoor work space. The details of the building and the site are included as attachments to the Public Hearing Application.

The investment in the site and the building is expected to be approximately \$500,000.00 and the number of full time employees is expected to increase by approximately 25-30.

MAJOR CONDITIONAL USE CRITERIA FOR APPROVAL

B&D PLASTICS, LLC
5500 ALLEN ROAD
GAUTIER, MISSISSIPPI

QUESTIONS ANSWERED

1. Is the proposed use listed in the list of Conditional Uses in the particular Zoning District?

Answer: YES

2. Please describe how the project is compatible with the character of development in the vicinity relative to (a) density, bulk and intensity of structure, (b) parking, and (c) other issues. Please attach parking plan, site plan architectural rendering or other plans.
 - a. One building has been added to the site with the intensity of the structure being the same as the buildings permitted by the City of Gautier in 2010 and 2012.
 - b. See architectural sheet A104 attached.
 - c. No different use of this project or property has changed.

3. Will your project negatively affect neighboring property values or pose a real or perceived threat to citizens? Explain.

Answer: NO. B&D Plastics has been manufacturing on this site since the 1970's and has not nor will negatively affect neighboring property values nor will the facility pose a threat to citizens.

4. Will your project affect vehicular or pedestrian traffic in the vicinity? Explain.

Answer: NO

The vehicular traffic will not change nor will it impact pedestrian traffic.

5. Can the proposed use be accommodated by existing or proposed public services and facilities including, but not limited to, water, sanitary sewer, streets, drainage, police and fire protection, and schools?

Answer: YES

6. Is the proposed use in harmony with the Comprehensive Plan? Explain.

Answer: YES

7. Does the proposed use pose a hazardous, detrimental affect, either real or perceived, to present surrounding land uses due to noise, glare, smoke, dust, odor, fume, water pollution, vibration, electrical interference, or other nuisances? Explain.

Answer: NO

8. Does the use conform to all district regulations for the applicable district in which it is located, or have other provisions been provided for? Explain.

Answer: YES

150 Watt LED pole mounted. Finish Black



SAMPLE LIGHT FIXTURE